

Notice of Allowability

Application No.

09/550,192

Examiner

Eric B. Kiss

Applicant(s)

TANG ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed 1 February 2006.
2. ☒ The allowed claim(s) is/are 6, 7 and 13-20, renumbered as 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. The reply filed 1 February 2006 has been received and entered. Claims 6, 7, and 13-20 are pending.

Response to Amendment

2. Applicant's amendments to the specification appropriately address the objection to the specification as detailed in the previous Office action. Accordingly, this objection is withdrawn in view of Applicant's amendments.
3. Applicant's amendments to claims 6 and 7 appropriately address the objections to these claims based on informalities. Accordingly, these objections are withdrawn in view of Applicant's amendments.

Response to Arguments

4. Applicant's arguments, see pp. 7-20, filed 1 February 2006, with respect to claims 6, 7, and 13-20 have been fully considered and are persuasive. The rejection of claims 6, 7, and 13 under 35 U.S.C. § 102(b) has been withdrawn.

Allowable Subject Matter

5. Claims 6, 7, and 13-20 are allowed and have been renumbered as 1-10.
6. The following is an examiner's statement of reasons for allowance:

Applicant has stated, "Claim 6(a) states that 'each' 'software system' 'contains' a '**single**' PAK_MOD." (Remarks (02/01/2006) at p. 12.) Applicant has further asserted that multiple packaging modules would be contrary to claim 6. (*Id.*)

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Applicant has further stated that the structure of claim 6 does not allow the interpretation that claim element 6(b)(iii), “merely set[s] forth the contents of the PAK_MODS, which contents perform the packaging recited in claim 6(a)(ii).” (*Id.* at pp. 14-15.) Rather, Applicant insists that, “the only reasonable interpretation of the claim is that the PAK_MOD of claim 6(a)(ii) performs packaging, as claimed, and that the software units A, B, and C perform other tasks, but are contained within the PAK_MOD modules.” (*Id.*)

Applicant has noted, “Claim 6(b) states that (1) **identical** CONTROL modules, and (2) **identical** COM_MOD modules are contained in **all** of the systems.” (*Id.* at p. 17.) Further, Applicant contends,

[T]he claim states that the CONTROL module “coordinates” the PAK_MODs (and other modules). If the PAK_MODs are different, as the PTO asserts, then the CONTROL modules must also be different. Consequently, if the PTO’s assertion is correct as to claim 6(b)(iii)(B) and (C) (asserting that the PAK_MODs are different), then claim 6(b)(i) cannot be found in the reference. The reason is that the CONTROL modules must then be **different**, to “coordinate” the **different** PAK_MODs.

(*Id.*)

In view of these persuasive arguments, the prior art of record does not teach or fairly suggest the specific fabrication steps set forth in claim 6(b) in the context of electronic payment switches.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK / *EBK*
May 11, 2006


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